

REMARKS

This paper is responsive to an Office Action dated November 15, 2005. Prior to this amendment claims 1-28 were pending. After amending claims 1, 6, 14-15, 20, and 28, and canceling claims 3-5 and 17-19, claims 1-2, 6-16, and 20-28 remain pending.

Section 1 of the Office Action objects to the Abstract. In response, the specification has been amended so that the Abstract is fewer than 150 words.

In Section 3 of the Office Action claims 1-10, 12-24, and 26-28 have been rejected under 35 U.S.C. 102(e) as anticipated by Merchant et al. ("Merchant"; US 6,081,523). With respect to independent claims 1, 14, 15, and 28, the Office Action states that Merchant describes all the elements of the claims invention. With respect to claims 5, 9, 19, and 23, the Office Action states that these claims have similar limitations to the claims from which they depend, and that these claims are rejected for the same rationale. This rejection is traversed as follows.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 15 have been amended to include the limitations of claims 5 and 19, respectively. Claims 14 and 28 have been amended to include similar limitations, the limitations recited in claims 9 and 23, respectively. Claims 1 and 15 now recite synchronizing overhead bytes in the second plurality of data streams to overhead bytes in the first

data stream. Merchant describes a process where the demultiplexed data streams are synchronized to each other using a preamble and start frame delimiter (col. 5, ln. 29-38). However, Merchant does not mention synchronizing overhead bytes in the demultiplexed data streams to overhead bytes in the input IEEE 802.3 data stream. Likewise, the timing diagrams (Figs. 3A and 3B) show no relationship between the input data stream and the demultiplexed data streams.

A similar analysis applies to claims 14 and 28. Merchant does not describe a process for multiplexing data streams by synchronizing overhead bytes in the multiple input streams to data bytes in the output stream (col. 5, ln. 52-64).

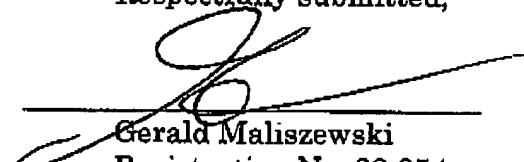
Merchant does not explicitly describe every limitation of claims 1, 14, 15, and 28, as amended. Since Merchant does not describe every limitation of the claims invention, he cannot anticipate. Claims 2 and 6-13, dependent from claim 1, and claims 16 and 20-27, dependent from claim 15, enjoy the same distinctions from the cited prior art and the Applicant respectfully requests that the rejection be removed.

The Office Action also states that claims 11 and 25 would be found allowable if rewritten in independent form, including all the subject matter of the base and intervening claims.

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Respectfully submitted,

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